

Application No.: 09/994,312  
Amendment Dated: March 25, 2005  
Reply to Office Action of: December 30, 2004

MAT-8204US

**Remarks/Arguments:**

Claims 32 and 33 have been rejected under 35 U.S.C. § 112, second paragraph. These claims have been appropriately amended. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 7-9, 16-18, 25-27, and 32-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Florance (2003/0078897). The rejection is respectfully traversed.

Regarding claim 1, this claim includes a feature which is neither disclosed nor suggested by the art of record, namely:

...storing a delivery request...including a delivery validity period  
representing a period...outside of which the delivery of the  
contents is not accepted...

...stopping delivering of content outside of said delivery validity.

The art of record neither discloses nor suggests the ability to stop delivery of content outside of a validity period. Accordingly, claim 1 is patentable over the art of record.

Claim 2, while not identical to claim 1, is patentable for reasons similar to those set forth above with regard to claim 1.

Claim 3 includes a feature which is neither disclosed nor suggested by the art of record, namely:

...generating transmit data including the content and the content  
identifying information, that is extracted from delivery request...

...delivering the transmit data based on the extracted delivery  
request.

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This feature is supported by the originally filed application at page 8, line 25, through page 9, line 10. No new matter has been added. Florance neither discloses nor suggests this feature. Accordingly, claim 3 is patentable over the art of record.

Claim 4 includes all the features of claim 3 from which it depends. Thus, claim 4 is patentable over the art of record.

Claims 16-18 also include the feature of stopping delivery of content outside of the delivery validity period. Accordingly, claims 16-18 are patentable over the art of record.

Claims 15-27 and 32-38 also include Applicants' claimed feature of stopping delivery of content. Accordingly, those claims are also patentable over the art of record.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Florance in view of Sealand et al. (2003/0014402). Claim 5, however, is patentable by virtue of its dependency on allowable claim 3.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

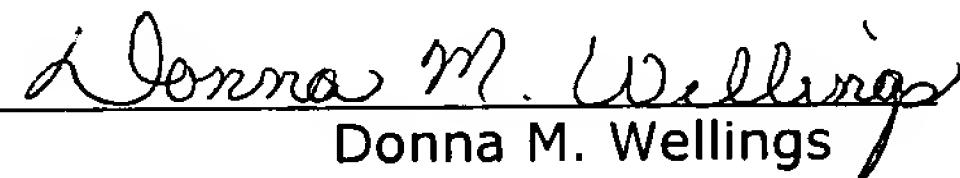
  
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 25, 2005.

  
Donna M. Wellings

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